

SATTERLEE STEPHENS BURKE & BURKE LLP**230 PARK AVENUE****NEW YORK, NY 10169-0079****(212) 818-9200**E-Mail: gedwards@ssbb.com

Direct Dial: (212) 404-8732

FAX (212) 818-9606, 9607

www.ssbb.comMETROPARK
33 WOOD AVENUE SOUTH
ISELIN, NJ 08830
(732) 803-4966

February 15, 2008

Via Fax (914-390-4085)The Honorable Charles L. Bricant
United States District Judge Chambers
United States Court House
300 Quarropas Street
White Plains, New York 10601Re: Zherka v. Amicone, No. 07 Civ. 9618 (CLB)

Dear Judge Bricant,

We represent Gannett Satellite Information Services, Inc. ("Gannett"), publisher of The Journal News, a Westchester-based newspaper, and the recipient of subpoenas issued by the plaintiff Selim Zherka in the above-referenced matter. These subpoenas seek the identity of various pseudonymous posters on The Journal News' on-line forums. Today we have filed, by electronic filing, a motion to quash these subpoenas. Pursuant to your individual rules, we have set the return date for the first date noticed in the New York Law Journal, i.e., March 14. Courtesy copies of the motion papers are en route to chambers via Federal Express.

As you are aware, under Local Rule 6.1(a) plaintiff's opposition will be due 4 business days from today (service being made on plaintiff via the ECF system) and then our reply will be due one business day after service of any opposition by plaintiff. As you will see by our motion papers, there are serious First Amendment issues involved with this motion and thus, we respectfully ask that Gannett's time to reply to any opposition be extended to 5 business days. We have attempted to work out a briefing schedule with plaintiff's counsel, Jonathan Lovett, but have been unable to do so, my colleague Mark Fowler having left at least two messages yesterday that were not returned. We would of course not oppose any similar extension for plaintiff's opposition if the Court considered it appropriate.

We appreciate the Court's consideration.

Sincerely,


Glenn C. Edwards

GCE/fa

cc: Jonathan Lovett, Esq.
Kevin Joseph Plunkett, Esq.

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